

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009-330-C - ORDER NO.

DECEMBER 9, 2009

IN RE: Application of Alliance Global Networks,)	HEARING EXAMINER
LLC for a Certificate of Public Convenience)	PROPOSED ORDER
and Necessity to Transact the Business of a)	
Reseller of Interexchange)	
Telecommunication Services)	
)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) by way of the Application of Alliance Global Networks, LLC (“AGN” or the “Company”) requesting a Certificate of Public Convenience and Necessity authorizing it to provide resold interexchange telecommunications services within the State of South Carolina. The Company’s Application was filed pursuant to S.C. Code Ann. §58-9-280 (Supp. 2007) and the rules and regulations of the Commission. By its Application, AGN also requests alternative regulation of its business interexchange services consistent with Commission Orders, and waiver of certain Commission regulations.

The Commission’s Docketing Department instructed AGN to publish, one time, a Notice of Filing in newspapers of general circulation in the areas of the state affected by the Application. The purpose of the Notice of Filing was to inform interested parties of the Application of AGN and of the manner and time in which to file the appropriate

pleadings for participation in the proceeding. AGN complied with this instruction and provided the Commission with proof of publication of the Notice of Filing. No Petitions to Intervene or Protests were filed.

Subsequently, AGN and the Office of Regulatory Staff (ORS) filed a Settlement Agreement attached hereto as Order Exhibit 1. A hearing was convened on November 9, 2009, at 10:00 a.m. in the offices of the Commission in Columbia, South Carolina, before B. Randall Dong, Hearing Examiner. AGN was represented by Bonnie D. Shealy, Esquire. The Office of Regulatory Staff ("ORS") was represented by Shealy B. Reibold, Esquire. Mary O'Keeffe, Treasurer of AGN, testified by way of teleconference in support of the Company's Application. The record reveals that AGN is a limited liability company organized under the laws of the State of Delaware, which is registered to transact business in South Carolina. According to Ms. O'Keeffe, the Company seeks authority as a reseller of interexchange services. Ms. O'Keeffe explained the Company's request for authority, and the record further reveals the Company's services, operations, and marketing procedures. The Company intends to primarily market wholesale telecommunications services to other carriers and resellers in South Carolina. Ms. O'Keeffe testified that AGN does not currently intend to actively market retail service in South Carolina, but in the event that the Company's business plan changes and it chooses to market service to end users, it will utilize telemarketing to promote its service. Ms. O'Keeffe also discussed AGN's technical, financial, and managerial resources to provide the services for which it seeks authority. With regard to technical, financial, and managerial capabilities, the Company's Application and Ms. O'Keeffe's testimony both

provide evidence that AGN's management has extensive experience in telecommunications, information technology, regulatory matters, and accounting and finance. Ms. O'Keeffe also testified that AGN will operate in accordance with Commission rules, regulations, guidelines, and Commission Orders. Ms. O'Keeffe offered that approval of AGN's Application would serve the public interest.

Ms. O'Keeffe, on behalf of the Company, requests a waiver of 26 S.C. Code Ann. Regs. 103-610, since the Company's books are maintained in another state. The Company also requests a waiver of any Commission policy that would require it to maintain its books under the Uniform System of Accounts ("USOA") method. The Company uses Generally Accepted Accounting Principles ("GAAP") to maintain its books. Therefore, according to the Company, it would create a hardship to maintain a separate accounting system.

After consideration of the applicable law, the Company's Application, and the evidence presented at the hearing, the Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT

1. Alliance Global Networks, LLC is organized under the laws of the State of Delaware as a limited liability company, and is authorized to do business in South Carolina by the Secretary of State.
2. Alliance Global Networks, LLC desires to operate as a provider of resold interexchange services in South Carolina.

3. We find that Alliance Global Networks, LLC possesses the managerial, technical, and financial experience and capability to operate as a provider, through resale, of interexchange services in South Carolina.

4. We find that the issuance of a Certificate of Public Convenience and Necessity to Alliance Global Networks, LLC to operate as a reseller of interexchange services in South Carolina would be in the best interest of the citizens of South Carolina by providing more innovative services.

5. Alliance Global Networks, LLC requests a waiver of 26 S.C. Code Ann. Regs. 103-610. The Company also requests a waiver of any Commission policy that would require it to maintain its books under the Uniform System of Accounts (“USOA”) method. The Company uses Generally Accepted Accounting Principles (“GAAP”) to maintain its books. Therefore, according to the Company, it would create a hardship to maintain a separate accounting system.

The Commission finds the Company’s requested waivers reasonable and understands the potential difficulty presented to the Company should the waivers not be granted.

6. The Company has the managerial, technical, and financial resources to provide the services as described in its Application.

CONCLUSIONS OF LAW

1. The Commission concludes that Alliance Global Networks, LLC possesses the managerial, technical, and financial resources to provide the telecommunications services as described in its Application.

2. The Commission concludes that the issuance of the authority to provide intrastate interexchange telecommunications services as requested by Alliance Global Networks, LLC and as set forth in its Application and Ms. O’Keeffe’s testimony is in the best interests of the citizens of the State of South Carolina.

3. The Commission concludes that a Certificate of Public Convenience and Necessity should be granted to Alliance Global Networks, LLC to provide resold intrastate interexchange telecommunications services.

4. The Commission adopts a rate design for Alliance Global Networks, LLC for its residential interexchange services, if any, which include maximum rate levels for each tariff charge. A rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels has been previously adopted by the Commission. *In Re: Application of GTE Sprint Communications Corporation, etc.*, Order No. 84-622, issued in Docket No. 84-10-C (August 2, 1984).

5. Alliance Global Networks, LLC shall not adjust its residential interexchange rates for end-users, if any, below the approved maximum level without notice to the Commission and to the public. Alliance Global Networks, LLC shall file its proposed rate changes, publish its notice of such changes, and file affidavits of publication with the Commission two weeks prior to the effective date of the changes. However, the public notice requirement is waived, and therefore not required, for reductions below the maximum cap in instances which do not affect the general body of subscribers or do not constitute a general rate reduction. *In Re: Application of GTE Sprint Communications, etc.*, Order No. 93-638, issued in Docket No. 84-10-C (July 16, 1993).

Any proposed increase in the maximum rate level for residential interexchange services reflected in the tariff which would be applicable to the general body of the Company's subscribers shall constitute a general ratemaking proceeding and will be treated in accordance with the notice and hearing provisions of S.C. Code Ann. §58-9-540 (Supp.2006).

6. The Commission concludes that the Company's intrastate interexchange business telecommunications services shall be regulated in accordance with the principles and procedures established for alternative regulation of business service offerings set out in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C. The Commission has previously granted this "alternative regulation" to competitive intrastate interexchange carriers operating within South Carolina, and the Commission concludes that the competitive marketplace requires the Commission to allow this flexible regulation to those carriers which request it. Specifically, the Commission-approved alternative regulation allows business service offerings, including consumer card services and operator services, to be subject to a relaxed regulatory scheme identical to that granted to AT&T Communications in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C.

However, pursuant to Order No. 2001-997 (Docket No. 2000-407-C), this Commission has modified alternative regulation by the re-imposition of rate caps with regard to certain "operator-assisted calls" where a customer uses a local exchange carrier's calling card to complete calls from locations which have not selected that local exchange carrier as the toll provider. Order No. 2001-997, dated November 8, 2001, imposed a maximum cap of \$1.75 for operator surcharges for such calls, and a maximum

cap of \$0.35 related to the flat per-minute rate associated with these calls. Under this relaxed regulatory scheme, tariff filings for business services shall be presumed valid upon filing. The Commission will have seven (7) days in which to institute an investigation of any tariff filing. If the Commission institutes an investigation of a particular tariff filing within the seven days, the tariff filing will then be suspended until further Order of the Commission.

7. We conclude that the Company's request for waiver of 26 S.C. Code Ann. Regs. 103-610 should be granted as strict compliance with the regulation would potentially cause undue hardship on that Company. We further find that the Company's requested waiver of any Commission requirement that its books and records be kept in accordance with the Uniform System of Accounts should be granted, as the Company maintains its books in accordance with Generally Accepted Accounting Principles. The requested waivers are not contrary to the public interest.

8. The Settlement Agreement between the Company and ORS should be approved.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

1. A Certificate of Public Convenience and Necessity should be granted to Alliance Global Networks, LLC to provide intrastate interexchange services through the resale of services authorized for resale by tariffs of carriers approved by the Commission within the State of South Carolina.

2. The Company's rate designs for its products shall conform to those designs described in Conclusions of Law above.

3. If it has not already done so by the date of issuance of this Order, AGN shall file its revised tariff utilizing the Commission's e-filing system for tariffs. The revised tariff should be electronically filed in a text searchable PDF format using the Commission's DMS System (<http://dms.psc.sc.gov>). An additional copy should be sent via email to etariff@psc.sc.gov to be included in the Commission's ETariff System (<http://etariff.psc.sc.gov>). Future revisions to the tariff should be made using the ETariff System. The revised tariff shall be consistent with the findings of this Order and shall be consistent with the Commission's Rules and Regulations, as well as the provisions of the Settlement Agreement.

4. The Company's service is subject to access charges pursuant to Commission Order No. 86-584, in which the Commission determined that for access purposes resellers and facilities-based interexchange carriers should be treated similarly.

5. With regard to the Company's resale of service, an end-user should be able to access another interexchange carrier or operator service provider if the end-user so desires.

6. Alliance Global Networks, LLC shall resell the services of only those interexchange carriers or LECs authorized to do business in South Carolina by this Commission. If Alliance Global Networks, LLC changes underlying carriers, it shall notify the Commission in writing.

7. With regard to the origination and termination of toll calls within the same LATA, Alliance Global Networks, LLC shall comply with the terms of Order No. 93-462, Order Approving Stipulation and Agreement, in Docket Nos. 92-182-C, 92-183-C,

and 92-200-C (June 3, 1993), with the exception of the 10-XXX intraLATA dialing requirement, which has been rendered obsolete by the toll dialing parity rules established by the FCC pursuant to the Telecommunications Act of 1996 (See, 47 CFR 51.209). Specifically, Alliance Global Networks, LLC shall comply with the imputation standard as adopted by Order No. 93-462 and more fully described in paragraph 4 of the Stipulation and Appendix B approved by Order No. 93-462.

8. Alliance Global Networks, LLC shall file annual financial information in the form of annual reports and gross receipts reports as required by the Commission. The annual report and the gross receipt report will necessitate the filing of intrastate information. Therefore, Alliance Global Networks, LLC shall keep financial records on an intrastate basis for South Carolina to comply with the annual report and gross receipts filings. The proper form for filing annual financial information can be found at the Commission's website at the ORS's website at www.regulatorystaff.sc.gov. The title of this form is "Telecommunications Company Annual Report." This form shall be utilized by the Company to file annual financial information with the Commission and ORS and shall be filed no later than **April 1st**.

Commission gross receipts forms are due to be filed with the Commission and ORS no later than **August 31st** of each year. The proper form for filing gross receipts information can be found at the ORS website at www.regulatorystaff.sc.gov, and the appropriate form is entitled "Gross Receipts Form."

Each telecommunications company certified in South Carolina is required to file annually with the ORS the Intrastate Universal Service Fund ("USF") worksheet, which

may be found on the ORS's website at www.regulatorystaff.sc.gov. This worksheet provides ORS information required to determine each telecommunications company's liability to the State USF fund. The Intrastate USF worksheet is due to be filed annually no later than **July 1st** with the Commission and ORS.

9. The Company shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, tests, and repairs. In addition, the Company shall provide to the Commission and ORS, in writing, the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours. Alliance Global Networks, LLC shall file the names, addresses, and telephone numbers of these representatives with the Commission within thirty (30) days of receipt of this Order. The "Authorized Utility Representative Information" form can be found at the ORS website at www.regulatorystaff.sc.gov; this form shall be utilized for the provision of this information to the Commission and ORS. Further, the Company shall promptly notify the Commission and ORS in writing if the representatives are replaced.

10. The Company is directed to comply with all Rules and Regulations of the Commission, unless a regulation is specifically waived by the Commission.

11. At the hearing, Alliance Global Networks, LLC requested a waiver of 26 Code Ann. Regs. 103-610 (Supp. 2009), and additionally requested that it be permitted to keep its books in accordance with GAAP rather than the USOA. The Commission finds

the Company's requested waivers reasonable and understands the potential difficulties presented to the Company should the waivers not be granted. The Commission therefore grants the requested waivers. However, the Company shall make available its books and records at all reasonable times upon request by the Office of Regulatory Staff, and the Company shall promptly notify the Commission and ORS if the location of its books and records changes.

12. The Settlement Agreement between Alliance Global Networks, LLC and ORS is hereby approved.

13. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

Elizabeth B. Fleming, Chairman

ATTEST:

John E. Howard, Vice Chairman
(SEAL)